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*Attorneys for Defendants*  
*C. R. Bard, Inc. and*  
*Bard Peripheral Vascular, Inc.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products Liability  
Litigation

No. 2:15-MD-02641-DGC

**DECLARATION OF  
CHRISTOPHER SHAUN POLSTON  
IN SUPPORT OF DEFENDANTS'  
REPLY IN SUPPORT OF ITS  
MOTION FOR SUMMARY  
JUDGMENT REGARDING  
PREEMPTION**

(Assigned to the Honorable David G.  
Campbell)

I, Christopher Shaun Polston, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge and belief:

1. I am over 18 years of age and am competent to testify about the matters

1 contained herein. The statements contained herein are based on my personal knowledge and  
2 upon the basis of the documents cited herein.

3 2. I am an attorney with Nelson Mullins Riley & Scarborough, LLP representing  
4 Defendants in this matter.


5 3. On August 12, 2017, I downloaded certain publicly available documents  
6 (the "Documents") from the PACER public docket for the Cook IVC Filter Litigation,  
7 1:14-md-2570-RLY-TAB (Doc. 5728-1).

8 4. Upon information and belief, as evidenced by the description of the  
9 Documents on the public docket entry, "Exhibit B – FOIA Documents," as well as the  
10 bates-stamp on these public Documents, "COOKFOIA," these Documents appear to have  
11 been obtained by the Cook Defendants pursuant to a FOIA request.

12 5. On August 18, 2017, Defendants produced these Documents to Plaintiffs in  
13 this matter. A true and correct copy of portions of these Documents is attached hereto as  
14 **Exhibit H.**

15 I declare under penalty of perjury, under the laws of the United States, that the  
16 foregoing is true and correct.

17 Executed on this 27<sup>th</sup> day of September, 2017.

18   
19 Christopher Shaun Polston